



U.S. Department of Justice  
United States Attorney  
District of Kansas

## NEWS RELEASE

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**FOR IMMEDIATE RELEASE**

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**UPDATED RELEASE - \_\_6:30\_P.M.**

### WEIDNER CONVICTED ON FORFEITURE ALLEGATIONS

KANSAS CITY, Kan. – United States Attorney Eric Melgren announced today that **Clinton Odell Weidner, II**, 50, Topeka, Kansas, was found guilty on July 14, 2003, following a ten day jury trial of one count of conspiracy, two counts of making false bank entries, and one count of money laundering. Weidner entered a guilty plea on June 30, 2003, to two counts of making false bank entries. **David C. Wittig**, 47, Topeka, Kansas, was found guilty of one count of conspiracy, four counts of making false bank entries, and one count of money laundering.

The jury next heard evidence on the \$1,500,000 forfeiture allegations, and found Weidner guilty. The jury found that Weidner shall forfeit to the United States the \$1,500,000 in loan proceeds which he derived from the illegal transactions in the form of currency, real estate, or any other property Weidner owns up to the \$1,500,000.

Melgren stated that according to court testimony from April 2001 through March 16, 2002, Weidner, while President, Chief Executive Officer and General Counsel of Capital City Bank, Topeka, Kansas, and loan officer to David C. Wittig, then Chairman of the Board, President and Chief Executive Officer of Westar, conspired to conceal the fact that an extension of credit in the amount of \$1,500,000 made to Wittig by Weidner was used by Weidner to make a down payment on the Eagle Ridge project, a real estate development in Scottsdale, Arizona.

On April 3, 2001, Weidner brought the Eagle Ridge project investment opportunity to Wittig. Wittig declined the opportunity but agreed to loan Weidner the \$1,500,000 if Weidner increased Wittig's line of credit at Capital City Bank by \$1,500,000. On April 30, 2001, Weidner prepared a loan proposal to increase Wittig's line of credit at Capital City Bank by \$1,500,000 stating in the loan proposal that the line of credit would be used by Wittig to purchase stock, make business investments, and complete the renovation of the Landon

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mansion. On April 30, 2001, Weidner transferred \$1,500,000 from Wittig's account at Capital City Bank to provide the down payment for the Eagle Ridge project. On May 1, 2001, Weidner provided Wittig a promissory note in the amount of \$1,500,000.

According to court testimony, on April 30, 2001, May 14, 2001, May 31, 2001, and January 11, 2002, Weidner and Wittig made false statements to Capital City Bank to conceal the fact that Weidner had borrowed \$1,500,000 from Wittig.

Weidner and Wittig each face a maximum of five years in federal prison, without parole, for conspiracy; a maximum of thirty years for making false statements to a bank; and a maximum of ten years for money laundering. Sentencing is set for October 20, 2003, at 9:00 a.m. Weidner and Wittig were ordered to surrender their passports and were prohibited from traveling without prior approval from the U.S. Probation Office.

Melgren commended the excellent work of the FBI in this investigation and Assistant U.S. Attorney Rich Hathaway in this prosecution.

"Maintaining public confidence in our financial institutions is of critical importance. The integrity of the national banking system requires accuracy and completeness in all financial filings and reports. Any attempts to falsify such filings or reports, or to mislead or deceive bank officers or regulators, will be dealt with aggressively by federal investigators and by the U.S. Attorney's office," Melgren said. "Today's jury verdict will further the soundness and stability of our banks and financial system, and serves as a reminder of the seriousness with which bank filings should be regarded."